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diction Act, 1879, which authorizes the annulling of the old and the substitution of the new forms.

The Court held that the contention failed. Lord Alverstone, L. C. J., Hamilton, J., and Avory, J., all agreed that, assuming the summons to be defective or irregular for want of a seal, the defect or irregularity was cured by the proviso to section 1 of the Act of 1848 that "no objection shall be taken or allowed to any information, complaint or summons from any alleged defect thereon in substance or in form." The Lord Chief Justice and Hamilton, J., considered that the presence of [L. S.] on the new form was an implied direction to seal the summons or that sealing was still obligatory; Avory, J. considered the use of a seal on a summons to be no longer obligatory. The deliberate omission of the words "under seal" seems to us to negative the implication drawn by the majority of the judges from the presence of the [L. S.]—London Law Journal.

Prisoner Whipped to Death.—Let us hope that the case in 131 Southwestern Reporter, 969, is not a fair example of the treatment administered to convicts in every prison, but rather only the exception. The title is *Tillar v. Reynolds*. One Reynolds was convicted of a misdemeanor, and sent to the convict farm of Tillar, where he was placed under the custody of the warden. On a certain morning, because of some misconduct, the warden compelled Reynolds to remove his clothing and lie down across a log, face downward, where he was held by other men. With a leather strap about 30 inches long, 4 inches wide, and three-fourths of an inch thick, fastened to a staff, the warden then cruelly beat him across the small part of his back, using both hands to wield the blows. After this barbarous cruelty the prisoner was sent out into the hot sun of a day in July, and compelled to work until he reeled and staggered like a drunken man, when he was sent from the field groaning with pain. He was given no medical attendance, and died early that evening. Deceased was 31 years old, left a young widow with three little children, aged 3, 6, and 7, who bring this action against the owner of the convict farm. The Supreme Court of Arkansas holds that defendant is liable for the conduct of the warden his agent, because the whipping was within the scope of his authority, though in excess of the prison rules. A verdict of \$3,750 was affirmed.

Injuries from Cranking an Automobile.—A case which has caused considerable comment is that of *Fisher v. McGrath*, 128 Northwestern Reporter, 579. Plaintiff, a young lady, was driving a buggy drawn by a gentle horse along a country road, when at a short distance ahead she saw an automobile standing stationary, and defendant on his knees looking at it. Having no reason to anticipate any trouble she kept on her way, and when opposite the machine